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GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

CIRCULAR NO. 22-F.

Extract from the Proceedings of the Government of India in the Department of Revenue and Agriculture (Forests),—dated, Simla, the 19th October 1894.

READ—

Circular Resolution of this Department, No. 17—105-A., dated 15th July 1891.
Chapters VIII and IX of Dr. Volcker's Report on the Improvement of Indian Agriculture.
Review of Forest Administration in British India for 1892-93 by the Inspector General of Forests.

RESOLUTION.

In Chapter VIII of his Report on the improvement of Indian Agriculture, Dr. Völcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present; and in his Review of Forests Administration for 1892-93, the Inspector General of Forests discusses in some detail the principles which should underlie the management of State forests in British India. While agreeing generally with the principles thus enunciated by the Inspector General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter; more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested.

2. The sole object with which State forests are administered is the public benefit. In some cases the public to be benefited are the whole body of tax-payers; in others, the people of the tract within which the forest is situated; but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great; and the cardinal principle to be observed is that the rights and privileges of individuals must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage.

3. The forests of India, being State property, may be broadly classed under the following headings:—

(*a*) Forests the preservation of which is essential on climatic or physical grounds.
(*b*) Forests which afford a supply of valuable timbers for commercial purposes.
(*c*) Minor forests.
(*d*) Pasture lands.

It is not intended that any attempt should be made to class existing State Forests under one or other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively; and in applying the general policy, the fullest consideration must be given to local circumstances.

4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict; and, so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

5. The second class of State forests include the great tracts from which our supply of the more valuable timbers—teak, sál, deodar, and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest; this user is often essential to the prosperity of the people who have enjoyed it; and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free, (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations

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There is reason to believe that the area which is suitable to the growth of valuable timber has been overestimated, and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber, rather than the limited demand of merchants for large timber. Even in tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case whether it would not be better, both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general, and in particular of the agricultural population.

6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area. Accordingly, wherever an effective demand for culturable land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation ; and if this principle applies to the valuable class of forests under consideration, it applies, *á fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force, which limits the discretion of local Governments, without previous reference to the Government of India (though, of course, always subject to the control of that Government) in diverting forest land to agricultural purposes, even though that land may have been declared reserved forest under the Act.

7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subject. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honeycombing of a valuable forest by patches of cultivation should not be allowed ; as the only object it can serve is to substitute somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So again a system of shifting cultivation, which denudes a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth, and can only be permitted, under due regulation, where forest tribes depend on it for their sustenance. In the third place the cultivation in question must not be merely nominal, and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements, present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed, and considerations of income should be made secondary to the full satisfaction of local needs. Such restrictions as may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed ; but no restriction should be placed upon reasonable local demands, merely in order to increase the State Revenues.

9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways, and like purposes, is of such importance that these forests fall more properly under the second class, and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption ; and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction ; for user must not be exercised so as to annihilate its subject, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects, all considerations of revenue should ordinarily be subordinated.

10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the [illegible] which they yield. Cases must be distinguished. Where the areas in question

afford the only grazing and the only supply of fuel to villages which lie around or within them, the necessities of the inhabitants of these villages must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the Crown lands merely supplement these pastures, and afford grazing to a nomad pastoral population, or to the herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often be advantageous to fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita*, free passes are often given to a certain number of cattle. In such cases the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator, using the word necessity in a reasonably wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

11. In the portions of his report which are referred to in the preamble to this Resolution Dr. Völcker strongly recommends the formation of fuel and fodder preserves, and the Government of India has repeatedly urged the same policy upon local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, the supply of fuel and fodder "to the greatest advantage and convenience of the people." In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and of fodder in the form of hay. But that is of small avail if the people will not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the preserves in question is the advantage of the *neighbourhood*; and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the preserve, is *not* always in accordance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area, is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus reserved for the supply of fuel and fodder.

12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other possess over them. But it by no means follows as a matter of course that these lands should be subjected to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forests apply, if possible, with even greater force to the management of grazing areas pure and simple.

13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of land is raiyatwari. In zamindari tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is raiyatwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and trespass upon it is *primâ facie* forbidden. In some cultivated tracts, these unoccupied and waste lands are the

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The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or proprietary holders, is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give; but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power of compounding offences allowed by Section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling, while the opportunities are unlimited.

14. It is to be distinctly understood that the Government of India do not desire that grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvisable that this should be done, as to do so would give the raiyats an interest in opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields, mainly in order to make what they can out of trespassing cattle.

15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain, a reserved forest under Chapter II, and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted; and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure under Chapter IV, rights are recorded and regulated; and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the 3rd and 4th classes. This second procedure may indeed be provisional, and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is, that new rights may spring up in a protected, but not in a reserved forest; and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise, rather than to override them in the public interest. As regards the people, the chief difference is that, speaking boardly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the legislature would be unnecessary and meaningless. It is only where the public interests involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences, that the latter should be adopted.

The Governor-General in Council desires, therefore, that with regard both to fuel and fodder preserves, and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or, if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

16. Such are the general principles which the Government of India desire should be observ-

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which will have to be duly weighed in each case by the local authorities, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against is the fraudulent abuse of concessions for commercial purposes ; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But, on the other hand, they think that, in some Provinces, it will render possible a considerable reduction of existing establishment ; and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some Provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor-General in Council believes that local Governments and Administrations will be glad to receive the assurance now given them, that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with imperial interests. Where working-plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years, so that they may, if necessary, be revised from time to time, as the circumstances on which they were moulded change.

ORDER.—Ordered, that a copy of this Resolution be forwarded, for information and guidance, to the Governments of Madras and Bombay, to the Local Governments and Administrations noted in the margin, and to the Inspector General of Forests ; also that it be published in the Supplement to the *Gazette of India*.

Bengal.	Assam.
North Western Provinces and Oudh.	Coorg.
Punjab.	Ajmere.
Central Provinces.	Andamans.
Burma.	Baluchistan.
	Hyderabad.

(True Extract.)

DENZIL IBBETSON,
Offg. Secy. to the Government of India.